



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

May 23, 2001

**CERTIFIED MAIL**

Ron Van Gundy, Manager  
Roza Irrigation District  
PO Box 810  
Sunnyside WA 98944

**RE: Emergency Drought Change Authorization  
(Court Claim No. 01863, Cause No. 77-2-01484-5)**

Enclosed please find a copy of the Department of Ecology's Emergency Drought Change Authorization(s). This report constitutes our determination and order regarding the above-referenced application for change. If you have any questions or concerns about any of this information, please call Carol Mortensen of the Department of Ecology at (509) 575-2597.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed in the same manner described above.

Sincerely,

Robert F. Barwin, Section Manager  
Water Resources Program

RFB:gg  
010572a

Enclosures: Emergency Drought Change Authorization(s)

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3. Article Addressed to:

Roza Irrigation District  
Ron Van Gundy, Mgr.  
PO Box 810  
Sunnyside WA 98944

4a. Article Number

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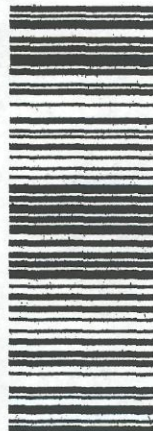
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Roza Irrigation District, Ron Van Gundy  
Street, Apt. No.; or PO Box No.

City, State, ZIP+ 4

PS Form 3800, February 2000

See Reverse for Instructions





STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

May 23, 2001

To: Carroll Palmer, Yakama Nation

RE: Emergency Drought Change Authorization re: Roza Irrigation District

Enclosed is a copy of the Department of Ecology's Emergency Drought Change Authorization(s), which constitutes our determination and order regarding the above-referenced application(s). If you have any questions or concerns about any of this information, please call Carol Mortensen of the Department of Ecology at (509) 575-2597.

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Sincerely,

Robert F. Barwin, Section Manager  
Water Resources Program

RFB:gg  
010572b

Enclosures: Emergency Drought Change Authorization(s)

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State of Washington  
Department of Ecology  
Yakima Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE BY )  
ROZA IRRIGATION DISTRICT )  
REQUESTING A CHANGE IN THE PLACE OF USE ) Emergency Drought  
AND POINT OF DIVERSION OF WATER USE UNDER ) Change Authorization  
COURT CLAIM NO. 01863, CAUSE NO. 77-2-01484-5 )

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

**Background**

Governor Locke authorized the Director of the Department of Ecology to declare a statewide Drought Emergency on March 14, 2001. The Yakima Valley is experiencing severe drought impacts in this 2001 water year. The US Bureau of Reclamation's (Reclamation) May 1 forecast of Total Water Supply Available (TWSA) predicts that the Yakima Project's pro-ratable water right holders are likely to receive only 29% of their full water supply amount this irrigation season.

Roza Irrigation District's (RID's) drought response plan attempts to provide the district members with water supply greater than only relying upon forecasted pro-ratable supplies. It will be accomplished through a combination of intra-district land fallowing and transfers and transfers from the Sunnyside Division (SDIV) arising from land fallowing and water recovery and reuse systems. Individual water users will use supplemental and emergency irrigation wells as permitted.

The RID water rights are the subject of Adjudication Court Claim No. 0802. The Court's conditional final order for RID was issued on June 1, 1994. RID water rights are entirely pro-ratable rights, and are subject to a predicted severe shortfall in supply in the 2001 irrigation season. The point of diversion for the RID water rights is located at RM 127.9, within the NE¼NE¼ of Section 32, T. 15 N., R. 19 E.W.M., Yakima County.

**Court Claim 01863, Shirley Cromarty.**

On May 5<sup>th</sup>, 2001, RID filed an application to transfer water from the Teanaway River to the Roza Irrigation District (RID) for the 2001 irrigation season. The Cromarty family, through Court Claim No. 01863, have been confirmed a right from the Teanaway River in the amounts of 2.02 cubic feet per second (cfs), 404 acre-feet per year for the irrigation of 101 acres and stockwater from May 1 through September 15 each year. These rights are relatively junior to other rights in the Teanaway River watershed. This year, the Cromarty's are likely to have water available to satisfy these rights until July 15.

The determination of the amount of water allowed for change is based on adjusting the Washington Irrigation Guide (WIG) Crop Irrigation Requirement (CIR) to account for the shortened season, the crop type, and an agreed-upon adjustment of "WIG + 5" (the CIR for a particular crop, plus five inches of water). The adjusted 2001-year CIR quantity is 8.79 inches per acre. With 101 acres being left fallow this year, 74 acre-feet are available for transfer to RID.

Approximately 6% of the amount of water diverted by RID returns to the Yakima River and to the TWSA above Parker. Therefore the adjusted CIR amount is 94% of what can be diverted by RID into its canal system at Roza Dam without negatively affecting the TWSA. Dividing 74 acre-feet by 0.94 (RID return flow adjustment) gives a total of 78.7 acre-feet which RID can divert and use and still remain water budget neutral to the TWSA.

The Bureau of Reclamation has reviewed this proposal and concluded that reservoir and project operations would not be negatively impacted by the proposed transfer.



### **Trust Water Right**

In conjunction with the transfer of this water right to RID, a Trust Water Right as defined in RCW 90.38 shall be established for the reach between the original point of diversion and the RID diversion.

Placement of water into trust in accordance with Ecology's Trust Water Guidelines requires, among other parameters of the trust water right, determinations of the total and consumptive water use and the "primary" and "secondary" reaches affected. An emergency decision does not provide the time necessary to evaluate all aspects of the guidelines. Therefore, the analysis leading to the trust water recommendations in this report is simplified and conservative and there will be no primary reach defined.

As described above, approximately 74 acre-feet of consumptive use of water will be saved by not irrigating the Cromarty's fields this year. Pro-rated at a continuous rate for the period May 1 through July 15 gives an amount of 0.49 cfs for transfer to a Trust Water Right for the secondary reach.

The secondary reach is defined as the original point of diversion on the Teanaway River to the RID point of diversion described elsewhere in this report.

### **Conclusions and Decision**


The proposed change of point of diversion and place of use will not impair existing water rights and is not contrary to the public interest.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 78.7 acre-feet for the period from May 24, 2001 to September 30, 2001 for irrigation of lands within the RID under Adjudication Court Claim No. 01863:

The point of diversion shall be located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 32, T.15 N., R.19 E.W.M.

A measuring device as required by Order Pendente Lite Regarding Metering, Measurement, and Reporting Requirements, dated October 13, 1994 must be installed prior to use of the water.

This drought emergency authorization expires on September 30, 2001.

APPROVED BY:  DATE: 5/23/2001  
Robert F. Barwin, Section Manager

PK:gg  
010572